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09/490,495	01/25/2000	Trevor Blumenau	12722.00170	7210
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HANLEY, FLIGHT & ZIMMERMAN, LLC			ZURITA, JAMES H	
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SUITE 4220			PAPER NUMBER	
CHICAGO, IL 60606			3625	

DATE MAILED: 12/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/490,495

Applicant(s)

BLUMENAU, TREVOR

Examiner

James H. Zurita

Art Unit

3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 25 July 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 242-245, 247-255, 257-264, 266-275, 278-284, 286-291, 313-440 is/are pending in the application.
- 4a) Of the above claim(s) 317-330 and 419-440 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 41, 242-245, 247-255, 257-264, 266-275, 278-284, 286-291, 313-316 and 331 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>10/05/05</u> | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Prosecution History*

The following is presented to clarify the record.

On 25 January 2000, applicant filed the instant application. The application is a Continuation of 08/707279, filed **3 September 1996** and issued as patent 6,108,637 on 22 August 2000. The original application contained claims 1-66.

On 25 January 2000, applicant's first preliminary amendment cancelled claims 1-65. Applicant added claims 67-100. Claims 66-100 remained.

On 2 June 2000, applicant's second preliminary amendment cancelled claims 86-100. Applicant added claims 101-181. Claims 66-85 and 101-181 remained.

On 31 January 2001, the Examiner issued a non-final rejection. Claims 66-85 and 101-181 were rejected as unpatentable over Curran (UK Patent GB 2250112A) in view of Brown, Cappa and Official Notice.

On 4 May 2001, applicant amended claim 66. Applicant added claims 182-241.

On 17 July 2001, the Examiner issued a non-final rejection. Claims 66-85 and 101-241 were rejected over the same references as above. Claims 85-100 were withdrawn from consideration.

On 16 January 2002, applicant amended claims 66-82, 84, 101-102, 108-116, 118-132, 134-142, 144-148, 151-152, 154-161, 163-164, 166-167, 172-184, 190-201, 208, 225-226, 228-239 and 241.

On 10 April 2002, the Examiner issued a non-final rejection. Claims 66-85 and 101-241 were rejected as unpatentable over the same references as above.

On 9 October 2002, applicant requested an extension of time and Continuing Prosecution of Application (CPA).

On 10 October 2002, Applicant cancelled claims 103-241. Claims 66-85 and 101-102 were pending.

On 23 October 2002, the Examiner issued a non-final rejection. Claims 66-85 and 101-102 were rejected as unpatentable over the same references as above.

In a 14 January 2003 preliminary amendment, Applicant cancelled claims 66-85 and 101-102. Applicant added claims 242-312. Claims 242-312 were pending.

On 16 July 2003, the Examiner issued a final rejection. Claims 242-312 were rejected as unpatentable over Curran, above.

On 20 November 2003, Applicant amended claims 242-244, 249, 253-255, 259, 263, 267-268, 271, 275-276, 278-280, 287, 290-291. Applicant cancelled claims 292-312. Applicant argued that the previous rejection was improperly made final.

On 16 January 2004, applicant filed a request for an extension of time and a Request for Continued Examination. Applicant resubmitted the amendment of 20 November 2003. Claims 242-291 were pending.

On 10 May 2004, the Examiner issued a non-final rejection. Claims 242-291 were rejected as unpatentable over Curran, above.

At a 30 June 2004 in-person interview, Attorney James Flight and Examiners Smith and Cuong discussed Curran. The interview summary states:

Above claims will be amended to clearly define structural relationships of each claimed component in response to an Office Action mailed 5/10/2004.

On 2 July 2004, applicant amended claims 242-244, 253-255, 263, 267-268, 275, 278-279, 284, 287, 290 and 291. Applicant cancelled claims 246, 256, 265, 276-277 and 285. Applicant added claims 313-316.

[Various phone conversations, 21 July-26 August 2004.]

On 15 October 2004, the Examiner responded to the amendment of 2 July 2004. The Examiner issued an Election/Restriction Requirement, based on multiplicity of claims. The Examiner noted that after applicant's latest amendment, the application contained claims drawn to three separate inventions, system, method and computer-readable medium. The Examiner provided explanations pursuant to the MPEP.

[Various phone conversations, 21 October 2004 – 24 January 2005.]

On 6 January 2005, the present Examiner vacated the Election/Restriction Requirement of 15 October 2004. The Examiner issued a non-final rejection of the claims submitted on 2 July 2004:

- Claims 242-245, 247-248, 250-255, 257-258, 260-264, 266-270, 272-275, 278-279, 281-284, 286-291, 313-316, as anticipated by Dedrick (US 5724521).
- Claims 249, 259, 271 and 280 as unpatentable over Dedrick (US 5724521).

To expedite prosecution, the Examiner emailed a courtesy copy of this office action to Attorney Flight. This Office Action was mailed on 24 January 2004.

At a 13 January 2005 in-person interview, Attorneys James Flight, Kim Jacklin and Examiner Zurita brainstormed concerning possible amendments to the claims. No agreement was reached concerning patentability. The Interview summary states:

Discussed possible amendments, new claims.

On 25 July 2005, applicant amended claims 242, 253, 263, 275 and 287 and added 124 new claims.

On 3 October 2005, Applicant's counsel emailed the Examiner a list of lawsuits involving patent 6,108,637. The list was entered into the record on 5 October 2005 as an Information Disclosure Statement.

The present Office Action is a response to the amendment of 25 July 2005.

### ***Response to Amendment***

On 22 July 2005, applicant amended independent claims 242, 253, 263, 275, 287 and added claims 317-440. With this amendment, 172 claims are pending.

Applicant introduced 4 new groups, IX to XII. See chart below for summary:

<b>Group</b>	<b>Independent Claim</b>	<b>Previous dependent claims</b>	<b>added claims</b>	<b>Directed to</b>
I	242	243-245, 247-252	331-341	System
II	253	254-255, 257-262	342-352	System
III	263	264, 266-274	353-363	System
IV	275	278-284, 286, 316	364-374	Method
V	287	288-291	375-385	Medium
VI	313		386-396	Article
VII	314		397-407	Article
VIII	315		408-418	Article
IX	317		419-429	Method
X	318		319, 430-440	System
XI	320		321-324	Method
XII	325		326-330	Method

Newly submitted claims identified as Groups IX-XII are directed to inventions that are independent or distinct from the invention originally claimed for the following reasons:

Group IX, including claims 317, 419-429, recites specific features such as

- sending *a request for a web page identified by a first universal resource locator* from a content display site
- receiving an HTML file from the content provider site at the content display site
- transmitting the data signal from the content display site to a remote site which is different from the content provider site and which did not transfer the HTML file

Group X, including claims 318-319, 430-440, recites specific features such as

- a first content provider site that stores a first content file, wherein the first content file is associated with at least one computer readable instruction to cause display of content associated with the first content file, and at least one computer readable instruction to cause *a request for a second content file*; and
- a second content provider site that stores the *second content file*, wherein the *second content file* is associated with at least one computer readable instruction to display content associated with the *second content file* with the content associated with the first content file, and the *second content file* is associated with at least one computer readable monitoring instruction to cause generation of monitoring information relating to the display of the content associated with the *second content file*;
- ...thereby causing monitoring information about the display of the content associated with the *second content file* to be collected.

Group XI, including claims 320-324, recites specific features such as

- receiving from an *unregistered client a request* for a web page at the first server; and
- downloading an HTML file for constructing the requested web page from the first server to the *unregistered client without requiring registration of the client*, the HTML file including at least one computer readable monitoring instruction for monitoring a user input relating to the requested web page and at least one computer readable monitoring instruction for transferring monitoring information generated by the at least one computer readable monitoring instruction to a second server which did not transfer the HTML file from the first server to the *unregistered client* and which is different from the first server.

Group XII, including claims 325-330, recites specific features such as

- *embedding* a computer executable monitoring instruction in an HTML file which, when executed by a client accessing the HTML file, generates monitoring information concerning user events relating to the web page associated with the HTML file;
- *embedding* a computer executable transfer instruction in the HTML file which, when executed, transfers the monitoring information to a data collection server;
- responding to *a request* for the HTML file from a first client by downloading a copy of the requested HTML file via the Internet to the first client;
- responding to *a request* for the HTML file from a *second client* by downloading a copy of the requested HTML file via the Internet to the *second client*; and
- receiving a report from the data collection server concerning the user events of the first and *second clients* with respect to the copies of the HTML file.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits.

Accordingly, **claims 317-330, 419-440** are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

The Examiner notes that Claims 1-241, 246, 256, 265, 276-277, 285, 292-312 have been cancelled to date. Of 172 pending claims, 36 claims (317-330, 419-440) are withdrawn from consideration. The remaining claims are rejected.

### ***Response to Arguments***

Applicant's arguments filed 25 July 2005 have been fully considered but they are not persuasive.

On Page 36, line 11-page 41, line 3, counsel reviews a history of the application. The information appears to complement the Prosecution History, above.

On page 41, line 4-page 43, line 2, applicant argues that claims **242, 253, 263, 275, 287, 313, 314** and **315** and their dependent claims are allowable in that Dedrick does not teach or suggest various features of applicant's amended claims.

Additionally, Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.



In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). For example:

claim	remarks	Actual claim language
242	...a remote site which did not transfer the content file from the content provider site to the content display site to receive the monitoring information generated at the content display site.	...a remote site which did not transfer the content file from the content provider site to the content display site, which is different from the content provider site, and which is adapted to receive the generated monitoring information
253	...a remote site which did not deliver the content file to the content display site to receive the data signal generated by the content display site.	...a remote site which did not deliver the content file to the content display site, which is different from the content provider site, and which is adapted to receive the generated data signal.
263	...a remote site which did not provide the content file to the content display site to receive the data signal generated by the content display site.	...a remote site which did not provide the content file to the content display site and adapted to receive the generated data signal
275	...transmitting the data signal to a remote site which did not transfer the content file from the content provider site to the content display site.	...transmitting the data signal to a remote site which did not transfer the content file from the content provider site to the content display site and which is different from the content provider site.

Nevertheless, Dedrick discloses the limitations introduced by the present amendment. See, for example, description content and images being downloaded to a customer by a yellow page server or from advertisers, without having a monitoring server as intermediary for the process. In at least those instances, Dedrick discloses that the remote side (metering server) is different from the content provider site (yellow pages, advertisers, for example). Col. 9, line 49-Col. 10, line 44. This limitation is addressed in the rejections.

On page 43, line 3-page 44, line 11, applicant argues patentability of withdrawn claims **317, 318, 320 and 325** and their dependent claims. The arguments are moot in view of withdrawal of these claims from consideration, as explained above.

### ***Double Patenting***

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claim 242, 253, 263, 275, 287, 313-315 are rejected on the ground of nonstatutory double patenting over claims 13, 18, 30 36 and 42 of U. S. Patent No. 6,108,637. Although the conflicting claims are not identical, they are not patentably distinct from each other because It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Blumenau (6,108,637) and Dedrick (US 5724521) to disclose, as in claim242, a system in a computer networked environment for generating monitoring information about a display of content, comprising a remote site which did not transfer the content file from the content provider

site to the content display site, which is different from the content provider site, and which is adapted to receive the generated monitoring information, as described in Dedrick, Col. 9, line 49-Col. 10, line 44.

One of ordinary skill in the art at the time the invention was made would have been motivated to combine Blumenau (6,108,637) and Dedrick (US 5724521) to disclose, as in claim242, a system in a computer networked environment for generating monitoring information about a display of content, comprising a remote site which did not transfer the content file from the content provider site to the content display site, which is different from the content provider site, and which is adapted to receive the generated monitoring information for he obvious reason that images may be downloaded to a customer by a yellow page server or from advertisers, without having a monitoring server as intermediary for the process and the remote site is therefore different from the provider sites.

#### ***Information Disclosure Statement***

The information disclosure statement filed 5 October 2005 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed.

It has been placed in the application file, but the information referred to therein has not been considered.

***Claim Rejections - 35 USC § 102***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

For purposes of this examination, applicant's term **site** will be given its broadest reasonable interpretation as the spatial location of an actual or planned structure or site of structures. Prior art will be interpreted to read on site where prior art discloses nodes on a network, for example.

For purposes of this examination, applicant's term **content file** that include data such as images and executable instructions, is interpreted to read on objects.

The Examiner notes that some claim limitations carry little or no patentable weight. For example, in claims directed to a system, the limitation

...a remote site which did not transfer the content file from the content provider site to the content display site, which is different from the content provider site, and which is adapted to receive the generated monitoring information (claim 242)

does little to modify the structures that make up the system elements.

Similarly, in claims directed to methods, the claim language attempts to modify structure and its import. However, the language is static and is not actively involved in the steps in a manner that distinguishes them from prior art.

As such, the claim language provides no patentable moment and carries little to no patentable weight.

However, even if one were to give full patentable weight to the language, the Examiner notes that the claims are anticipated by Dedrick, as follows:

**Claims** 242, 243, 244, 245, 247, 248, 250, 251, 252, 253, 254, 255, 257, 258, 260, 261, 262, 263, 264, 266, 267, 268, 269, 270, 272, 273, 274, 275, 278, 279, 281,

Art Unit: 3625

282, 283, 284, 286, 287, 288, 289, 290, 291, 313, 314, 315, 316, 331, 332, 333, 335, 336, 337, 340, 342, 343, 344, 346, 347, 348, 351, 353, 354, 355, 357, 358, 359, 362, 364, 365, 366, 368, 369, 370, 373, 375, 376, 377, 379, 380, 381, 384, 386, 387, 388, 390, 391, 392, 395, 397, 398, 399, 401, 402, 403, 406, 408, 409, 410, 412, 413, 414, 417 are rejected under 35 U.S.C. 102(e) as anticipated by Dedrick (US 5724521).

**As per Claims 242**, Dedrick discloses networked nodes, systems and methods for detecting each time content is displayed at a content display site and generating monitoring information:

**Content provider node(s)** that store a content file. Dedrick discloses various types of content provider nodes, including Publisher, Clearinghouse server, Regional content server, yellow page server, advertiser. See at least Fig. 1 and related text. For storage of content files, please see references to content database 34, at least Col. 4, lines 3-15. The content files may contain embedded computer executable instructions. See, for example, references to objects, Col. 4, lines 49-58, Col. 12, line 66-Col. 13, line 28. Monitoring information includes information concerning display of content associated with the content file. See, for example, references to pay per view, viewing and searching of content by a user, at least Col. 13, lines 1-53.

**Content display node(s)** that receive content files from content provider sides. See, for example, references to client systems, at least Fig. 1 and related text. Clients may receive content files from content provider nodes and display content associated with the content file. See, for example, at least references to enabling users to view advertisements, at least Col. 13, lines 1-53. The client may execute monitoring

instructions (embedded in objects) when the content is accessed, thereby generating monitoring information concerning display of content. See, for example, references to pay per view, at least Col. 13, lines 11-28.

Content display nodes may execute instructions to cause data (including monitoring information) to be transmitted to a remote node that did not supply the image. For example, clients communicate with metering servers, Col. 2, lines 60-67. A client's session manager software compiles statistical information and sends the information to the metering server. See, for example, at least Col. 6, lines 55-67.

**Remote node(s)** different from content provider node(s). See, for example, at least references to metering servers (item 14). These nodes are adapted to transmit data from content providers to content display nodes and to receive data signals and monitoring information from content display nodes. See at least references to client activity monitor, Col. 7, lines 1-15.

Dedrick discloses the limitations introduced by the present amendment:

...a remote site which did not transfer the content file from the content provider site to the content display site, which is different from the content provider site, and which is adapted to receive the generated monitoring information

See, for example, description content and images being downloaded to a customer by a yellow page server or from advertisers, without having a monitoring server as intermediary for the process and are therefore different from the provider sites. In at least those instances, Dedrick discloses that the remote side (metering server) is different from the content provider site (yellow pages, advertisers, for example). Col. 9, line 49-Col. 10, line 44.

Please note that remote nodes do not provide content files (claim 263) and do not supply content file (claims 287, 313) since the content files originate from content providers, or are sent directly to clients by advertisers and yellow pages.

**As per claim 243**, Dedrick discloses that the at least one embedded instruction may comprise at least one instruction located in a content file. See, for example, references to objects, Col. 4, lines 49-58, Col. 12, line 66-Col. 13, line 28. Monitoring information includes information concerning display of content associated with the content file. See, for example, references to pay per view, viewing and searching of content by a user, at least Col. 13, lines 1-53.

**As per claim 244**, Dedrick discloses that at least one embedded computer executable monitoring instruction (i.e., an object containing both data and executable code, at least Col. 4, lines 49-58, Col. 12, line 66-Col. 13, line 28) may comprises a link to (i.e., activates a pointer to or causes to execute identifiable and addressable computer instructions) at least one computer executable monitoring instruction that resides external to the content file (e.g., appraisal agent and activity monitor, resident on the content display site, at least Col. 4, lines 37-48, Col. 8, line 66-Col. 9, line 16, Col. 10, lines 45-63) and that causes generation of the monitoring information about the display of the content (Col. 7, lines 1-15).

**As per claim 245**, Dedrick discloses that generated monitoring information may indicate that content was displayed. See, for example, references to pay per view, viewing and searching of content by a user, at least Col. 13, lines 1-53. Monitoring

information includes information concerning display of content associated with the content file.

**As per claim 247**, Dedrick discloses

- **Extracting** encoded data from a data signal (claim 257, 269, 284). Please see references to transaction database at metering site. Encoded data in a data signal needs to be extracted before it can be classified and stored in a database for later access.
- **Storing** at the remote site generated monitoring information about a display of content (claim 247, 257, 284). See at least references to transaction database, Col. 11, lines 7-36.
- **analysis**<sup>1</sup> on generated monitoring information about the display of the content. (claims 248, 258, 270 and 286). See at least Col. 11, line 27-Col. 12, line 31, concerning metering and billing for services.

**Claim 248** is rejected on the same grounds as claim 247.

**As per claim 250**, Dedrick discloses that encoded data of a data signal may includes time stamps. See at least Col. 9, lines 28-48, concerning monitoring and reporting duration of a user's access of content.

**As per claim 251**, Dedrick discloses that generated monitoring information about display of content includes identifying information about the content display node. See at least Col. 7, lines 26-35.

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<sup>1</sup> MS WORD Thesaurus: examine, study, investigate, evaluate, consider, explore, scrutinize, probe, dissect.



**As per claim 252**, Dedrick discloses that generated information and encoded data of the data signal includes demographic information. See at least Col. 7, lines 1-36, Col. 9, lines 19-27, concerning demographic information stored in personal profile database that is sent to monitoring server.

**Claim 253** Is rejected on the same grounds as claim 242

**Claim 254** Is rejected on the same grounds as claim 243

**Claim 255** Is rejected on the same grounds as claim 244

**Claim 257** Is rejected on the same grounds as claim 247

**Claim 258** Is rejected on the same grounds as claim 247

**Claim 260** Is rejected on the same grounds as claim 250

**Claim 261** Is rejected on the same grounds as claim 251

**Claim 262** Is rejected on the same grounds as claim 252

**Claim 263** Is rejected on the same grounds as claim 242

**As per claims 264**, Dedrick discloses that computer readable medium may be resident on a content provider node. Please see at least Col. 4, lines 16-36, Col. 7, lines 1-15, Col. 16, lines 31-50, concerning client activity monitor resident on client.

**As per claims 266**, Dedrick discloses that computer readable medium may be resident on a content display node. Please see, for example, at least Col. 6, line 33-Col. 7, line 15.

**Claim 267** Is rejected on the same grounds as claim 243

**Claim 268** Is rejected on the same grounds as claim 244

**Claim 269** Is rejected on the same grounds as claim 247

**Claim 270** Is rejected on the same grounds as claim 247

**Claim 272** Is rejected on the same grounds as claim 250

**Claim 273** Is rejected on the same grounds as claim 251

**Claim 274** Is rejected on the same grounds as claim 252

**Claim 275** Is rejected on the same grounds as claim 242

**Claim 278** Is rejected on the same grounds as claim 243

**Claim 279** Is rejected on the same grounds as claim 244

**Claim 281** Is rejected on the same grounds as claim 250

**Claim 282** Is rejected on the same grounds as claim 251

**Claim 283** Is rejected on the same grounds as claim 252

**Claim 284** Is rejected on the same grounds as claim 247

**Claim 286** Is rejected on the same grounds as claim 247

**Claim 287** Is rejected on the same grounds as claim 242

**Claim 288** Is rejected on the same grounds as claim 264

**Claim 289** Is rejected on the same grounds as claim 266

**Claim 290** Is rejected on the same grounds as claim 243

**Claim 291** Is rejected on the same grounds as claim 244

**Claim 313** Is rejected on the same grounds as claim 242

**As per claim 314**, Dedrick discloses the use of HTML (hypertext markup language). See at least col. 4, lines 3-15.

**Claim 315** is rejected on the same grounds as claim 314.

**As per claim 316**, Dedrick discloses storing the content file at the content display site, wherein accessing the content file at the content display site comprises accessing the stored content file. See, for example, at least references to storing objects (content plus embedded executable instructions) with header information at a client, and later displaying and monitoring by activity monitor, at least in Col. 4, lines 49-58, Col. 7, lines 1-15.

**As per claim 331**, Dedrick discloses that the monitoring information about the display of the content generated at the content display site includes information concerning a user **input** relating to the content displayed at the content display site. See references to hidden fields, as in Col. 3, line 29-Col. 4, line 2.

**As per claim 332**, Dedrick discloses that the user input comprises a mouse click. See, for example, Col. 6, lines 33-54.

**As per claim 333**, Dedrick discloses that the user input comprises a keyboard input. See, for example, Col. 6, lines 33-54.

**As per claim 335**, Dedrick discloses that the monitoring information about the display of the content generated at the content display site includes information concerning a user **selection** relating to the content displayed at the content display site. Col. 4, lines 16-36.

**As per claim 336**, Dedrick discloses that the user **selection** comprises a hyperlink selection. See references to hypertext markup language, Col. 4, lines 3-15.

**As per claim 337**, Dedrick discloses that user **selection** comprises selection of a user interface mechanism. See references to GUI, as in Col. 3, lines 29-59.

**As per claim 340**, Dedrick discloses that the monitoring information about the display of the content generated at the content display site includes information concerning a user **event** relating to the content displayed at the content display site.  
Col 3, line 60-Col. 4, line 2.

**Claim 342** Is rejected on the same grounds **as claim 331**.

**Claim 343** Is rejected on the same grounds **as claim 332**.

**Claim 344** Is rejected on the same grounds **as claim 333**.

**Claim 346** Is rejected on the same grounds **as claim 335**.

**Claim 347** Is rejected on the same grounds **as claim 336**.

**Claim 348** Is rejected on the same grounds **as claim 337**.

**Claim 351** Is rejected on the same grounds **as claim 340**.

**Claim 353** Is rejected on the same grounds **as claim 331**.

**Claim 354** Is rejected on the same grounds **as claim 332**.

**Claim 355** Is rejected on the same grounds **as claim 333**.

**Claim 357** Is rejected on the same grounds **as claim 335**.

**Claim 358** Is rejected on the same grounds **as claim 336**.

**Claim 359** Is rejected on the same grounds **as claim 337**.

**Claim 362** Is rejected on the same grounds **as claim 340**.

**Claim 364** Is rejected on the same grounds **as claim 331**.

**Claim 365** Is rejected on the same grounds **as claim 332**.

**Claim 366** Is rejected on the same grounds **as claim 333**.

**Claim 368** Is rejected on the same grounds **as claim 335**.

**Claim 369** Is rejected on the same grounds *as claim 336*.

**Claim 370** Is rejected on the same grounds *as claim 337*.

**Claim 373** Is rejected on the same grounds *as claim 340*.

**Claim 375** Is rejected on the same grounds *as claim 331*.

**Claim 376** Is rejected on the same grounds *as claim 332*.

**Claim 377** Is rejected on the same grounds *as claim 333*.

**Claim 379** Is rejected on the same grounds *as claim 335*.

**Claim 380** Is rejected on the same grounds *as claim 336*.

**Claim 381** Is rejected on the same grounds *as claim 337*.

**Claim 384** Is rejected on the same grounds *as claim 340*.

**Claim 386** Is rejected on the same grounds *as claim 331*.

**Claim 387** Is rejected on the same grounds *as claim 332*.

**Claim 388** Is rejected on the same grounds *as claim 333*.

**Claim 390** Is rejected on the same grounds *as claim 335*.

**Claim 391** Is rejected on the same grounds *as claim 336*.

**Claim 392** Is rejected on the same grounds *as claim 337*.

**Claim 395** Is rejected on the same grounds *as claim 340*.

**Claim 397** Is rejected on the same grounds *as claim 331*.

**Claim 398** Is rejected on the same grounds *as claim 332*.

**Claim 399** Is rejected on the same grounds *as claim 333*.

**Claim 401** Is rejected on the same grounds *as claim 335*.

**Claim 402** Is rejected on the same grounds *as claim 336*.

**Claim 403** Is rejected on the same grounds *as claim 337*.

**Claim 406** Is rejected on the same grounds *as claim 340*.

**Claim 408** Is rejected on the same grounds *as claim 331*.

**Claim 409** Is rejected on the same grounds *as claim 332*.

**Claim 410** Is rejected on the same grounds *as claim 333*.

**Claim 412** Is rejected on the same grounds *as claim 335*.

**Claim 413** Is rejected on the same grounds *as claim 336*.

**Claim 414** Is rejected on the same grounds *as claim 337*.

**Claim 417** Is rejected on the same grounds *as claim 340*.

### ***Claim Rejections - 35 USC § 103***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

**Claims** 249, 259, 271, 280, 334, 338, 339, 341, 345, 349, 350, 352, 356, 360, 361, 363, 367, 371, 372, 374, 378, 382, 383, 385, 389, 393, 394, 396, 400, 404, 405, 407, 411, 415, 416, 418 (a total of 36 claims) are rejected under 35 U.S.C. 103(a) as being unpatentable over Dedrick (US 5724521).

**As per claim 249**, Dedrick discloses that a content provider may have an account number (see, for example, at least Col. 14, lines 13-24). Dedrick discloses billing and the need for matching activity by end users with specific content providers and content files. See, for example, at least Col. 13, line 13-Col. 14, line 43.

Dedrick **does not** specifically disclose that the content file is provided with the account number, and that the information generated by the display site contains the account number of the content provider.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use a content provider account number and to provide a content file with the account number, and that the information generated by the display site contains the account number of the content provider. One of ordinary skill in the art at the time the invention was made would have been motivated to use a content provider account number and to provide a content file with the account number, and that the information generated by the display site contains the account number of the content provider for the obvious reason that having a common identifier for each transaction item may facilitate matching user actions with corresponding advertisements. This, in turn, facilitates billing and tracking user activity for any one particular advertisement or marketing campaign.

**Claim 259** Is rejected on the same grounds as claim 249

**Claim 271** Is rejected on the same grounds as claim 249

**Claim 280** Is rejected on the same grounds as claim 249

**As per claim 334**, Dedrick discloses that the user input is monitored by monitoring events transmitted by an operating system of the content display site. Official Notice is taken that computers have operating systems. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Dedrick with information concerning operating systems to disclose that the user input is

monitored by monitoring events transmitted by an operating system of the content display site. One of ordinary skill in the art at the time the invention was made would have been motivated to combine Dedrick with information concerning operating systems to disclose that the user input is monitored by monitoring events transmitted by an operating system of the content display site for the obvious reason that an operating system is software that controls the allocation and usage of hardware resources such as memory, central processing unit (CPU) time, disk space and peripheral devices; the operating system is also the foundation software on which applications depend.<sup>2</sup>

**As per claim 338**, Dedrick **does not** specifically disclose that the user **selection** comprises selection of a graphical pushbutton. Official Notice is taken that graphical user interfaces (GUI) often include graphic images in various shapes, including buttons. It would have been obvious to one of ordinary skill in the art at the time the invention was made to extend Dedrick's GUI to include selectable icons in the form of a pushbutton. One of ordinary skill in the art at the time the invention was made would have been motivated to extend Dedrick's GUI to include selectable icons in the form of a pushbutton for the obvious reason that graphical user interfaces take advantage of a computer's graphic capabilities to make programs easier to use.

**As per claim 339**, this claim is rejected on the same grounds as claim 334.

**As per claim 341**, this claim is rejected on the same grounds as claim 334.

**Claim 345** Is rejected on the same grounds as claim 334.

**Claim 349** Is rejected on the same grounds as claim 338.

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<sup>2</sup> Definition of operating system, MICROSOFT PRESS Computer Dictionary.



**Claim 350** Is rejected on the same grounds as claim 339.

**Claim 352** Is rejected on the same grounds as claim 341.

**Claim 356** Is rejected on the same grounds as claim 334.

**Claim 360** Is rejected on the same grounds as claim 338.

**Claim 361** Is rejected on the same grounds as claim 339.

**Claim 363** Is rejected on the same grounds as claim 341.

**Claim 367** Is rejected on the same grounds as claim 334.

**Claim 371** Is rejected on the same grounds as claim 338.

**Claim 372** Is rejected on the same grounds as claim 339.

**Claim 374** Is rejected on the same grounds as claim 341.

**Claim 378** Is rejected on the same grounds as claim 334.

**Claim 382** Is rejected on the same grounds as claim 338.

**Claim 383** Is rejected on the same grounds as claim 339.

**Claim 385** Is rejected on the same grounds as claim 341.

**Claim 389** Is rejected on the same grounds as claim 334.

**Claim 393** Is rejected on the same grounds as claim 338.

**Claim 394** Is rejected on the same grounds as claim 339.

**Claim 396** Is rejected on the same grounds as claim 341.

**Claim 400** Is rejected on the same grounds as claim 334.

**Claim 404** Is rejected on the same grounds as claim 338.

**Claim 405** Is rejected on the same grounds as claim 339.

**Claim 407** Is rejected on the same grounds as claim 341.

**Claim 411** Is rejected on the same grounds as claim 334.

**Claim 415** Is rejected on the same grounds as claim 338.

**Claim 416** Is rejected on the same grounds as claim 339.

**Claim 418** Is rejected on the same grounds as claim 341.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to James H. Zurita whose telephone number is 571-272-6766. The examiner can normally be reached on 8a-5pm.

Art Unit: 3625

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins can be reached on 571-272-7159. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*jt*  
**James Zurita**  
**Patent Examiner**  
**Art Unit 3625**  
9 December 2005

  
**WYNN W. COGGINS**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 3600**